

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PHASE FOUR INDUSTRIES, INC.,)
)
Plaintiff,)
)
v.)
)
MARATHON COACH, INC.,)
)
Defendants.)
_____)

Case No.: C-04-4801 JW PVT
Related Cases C-05-0748 JW PVT
C-04-5105 JW PVT

**ORDER SETTING BRIEFING
SCHEDULE AND HEARING DATE
FOR PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO
COMPLETE DISCOVERY**

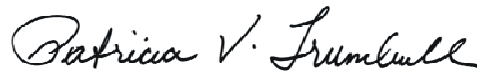
On July 27, 2007, Plaintiff Phase Four Industries, Inc. ("PFII") filed a Motion for Extension of Time to Complete Discovery.¹ PFII did not file a Notice of Motion, but the docket entry for the Motion states: "Motion Hearing set for 8/2/2007 10:00 AM in Courtroom #5, 4th Floor, San Jose." (Docket # 143.) Civil Local Rule 7-2 requires that any motion "be filed, served and noticed in writing . . . for hearing not less than 35 days after service of motion." Civ. L.R. 7-2(a). Accordingly, this motion has not been properly noticed. Additionally, the disputed extension of time to complete discovery in this case is a matter properly before the trial judge. After consultation with Judge Ware's chambers, and in order to streamline the resolution of this dispute, IT IS HEREBY ORDERED that:

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

- 1 1. PFII's Motion for an Extension of Time to Complete Discovery shall be
- 2 heard by Judge Ware at 9:00 a.m. on August 20, 2007;
- 3 2. Opposition, if any, shall be filed no later than August 6, 2007; and
- 4 3. Reply, if any, shall be filed no later than August 8, 2007.

5 IT IS SO ORDERED.

6 Dated: July 31, 2007



PATRICIA V. TRUMBULL
United States Magistrate Judge